

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JAMES LUTHER WILEY,	:	CIVIL ACTION NO. 1:12-CV-328
Plaintiff	:	
	:	(Judge Conner)
v.	:	
	:	
WHITAKER CENTER FOR SCIENCE	:	
AND ARTS,	:	
Defendant	:	

ORDER

AND NOW, this 18th day of September, 2012, upon consideration of the Report and Recommendation of United States Magistrate Judge Martin C. Carlson (Doc. 12), recommending that defendant's motion to dismiss (Doc. 6) be granted and plaintiff's complaint (Doc. 1) be dismissed without prejudice, and, following an independent review of the record and noting that plaintiff filed objections to the report on May 29, 2012 (Doc. 15) which were withdrawn on June 6, 2012 (Doc. 17), it is hereby ORDERED that:

1. The Report and Recommendation of Magistrate Judge Carlson (Doc. 12) are ADOPTED.
2. Defendant's motion to dismiss (Doc. 6) is GRANTED.
3. Plaintiff's complaint (Doc. 1) is DISMISSED without prejudice. Plaintiff is granted leave to file an amended complaint within twenty (20) days of the date of this order, which must address the deficiencies noted in Judge Carlson's Report and Recommendation. Failure to file an amended complaint in a timely fashion shall be deemed an abandonment of these claims and this matter shall be dismissed with prejudice.

4. The above-captioned case is REMANDED to Magistrate Judge Carlson for further proceedings.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge